

1 Whereas the City of Eureka propounded requests for production of documents to KFD
2 on February 12, 2010, and KFD served objections to the requests on March 17, 2010 and did not
3 produce any documents;

4 Whereas the parties are continuing to meet and confer on the City of Eureka's requests
5 but have not resolved their dispute on the requests;

6 Whereas the City of Eureka had requested that Mr. Daer to appear for deposition the
7 week of April 19, 2010, but KFD's counsel states that he is unavailable for the entire month of
8 April 2010 because he is participating in depositions in another case;

9 Whereas the City of Eureka requires the production of KFD's documents and the
10 deposition of Mr. Daer for the purpose of obtaining facts to support allegations naming Mr.
11 Daer under the City of Eureka's fourth through eleventh causes of action in the City of Eureka's
12 Third-Party Complaint;

13 Whereas the parties have continued to meet in good faith to resolve the City of Eureka's
14 requests, determining the scope of Mr. Daer's deposition and setting a specific date for Mr.
15 Daer's deposition;

16 Whereas the parties do not want to burden the Court with a motion to compel KFD to
17 produce documents and to produce Mr. Daer for deposition and a motion to extend the deadline
18 for the City of Eureka to name Mr. Daer;

19 Whereas the City of Eureka and KFD need additional time to seek to resolve these
20 disputes without the Court's intervention;

21 Therefore, the City of Eureka and KFD stipulate to each of the following:

22 (1) The City of Eureka shall have until August 31, 2010 to name Kenneth Daer in his
23 individual capacity for certain causes of action in the City of Eureka's Third-Party Complaint or
24 subsequently amended Third-Party Complaint;

25 (2) Mr. Daer will be produced for deposition to the City during a time period 7 days
26 after KFD's final production of documents to the City of Eureka's second set of document
27 requests and 7 days before the August 31, 2010 deadline to bring additional claims naming Mr.
28 Daer before the August 31, 2010 deadline to name Mr. Daer;

(3) If the City of Eureka and KFD cannot agree on a date for Mr. Daer's deposition to be taken during the aforementioned time period, the City of Eureka may file a motion to set a specific date for deposition and to extend the August 31, 2010 deadline if necessary to complete the deposition, without the need of any further meet and confer in light of the parties previous meet and confer efforts;

(4) The City of Eureka will have in its possession KFD's written responses and KFD's responsive documents to the City of Eureka's second set of production of documents no later than May 21, 2010; KFD shall produce all documents and responses in accordance with the Federal Rules of Civil Procedure and related case law;

(5) If the City of Eureka believes that KFD's responses to the City of Eureka's requests are incomplete or KFD's production of documents is incomplete, the City of Eureka may file a motion to compel without the need for further meet and confer since the City of Eureka and KFD have already met and conferred extensively on these requests.

DATED: April 14, 2010

DAVIDOVITZ & BENNETT LLP

By:

/s/
MORIS DAVIDOVITZ
CHARLES BOLCOM
Attorneys for DEFENDANT AND
THIRD-PARTY PLAINTIFF CITY OF
EUREKA

(The filer hereby attests that concurrence in the filing of this document has been obtained from the signatory below.)

DATED: April 14, 2010


GREBEN & ASSOCIATES

By:

/s/
JAN GREBEN
Attorneys for PLAINTIFF KFD
ENTERPRISES INC.

1 PURSUANT TO STIPULATION, IT IS SO ORDERED.
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3 DATED: April 19, 2010
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MAXINE M. CHESNEY
UNITED STATES DISTRICT JUDGE